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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/158,076

Applicant(s)

ASADA, JUN

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,282,714-B1 to Ghorl in view of U.S. Patent 5,729,541 to Hamalainen.

Regarding claim 1, Ghorl discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation via Digital PCS (column 7, lines 7-32, column 9, lines 4-23), and a channel selection unit (column 7, lines 28-33), which utilizes frequency hopping to tune to an open channel at a specific time for the transfer of data. The computer 415 inherently contains a storage device for storing files that were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghorl. Ghorl does not

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disclose monitoring the communications channels for finding a free channel.

Hamalainen discloses in Figures 10 and 13, a system which monitors radio channels to find out which channels are free and which are reserved, this data is formatted into a bitmap and sent out to a number of mobile stations, the mobile stations then finds a free channel in order to transmit data, transmits a channel request and transmits the data (column 7, lines 1-21, 61- column 8, line 14, column 8, lines 34-61, column 9, lines 24-37). Therefore, it would have been obvious to one skilled in the art to modify the data transmission system of Ghori to utilize the free channel search and allocation system of Hamalainen thereby reducing congestion on a radio based network by utilizing all available channels.

Regarding claim 2, Ghori discloses a wireless computer network in which data exchanged between two devices is encrypted prior to transmission (column 9, lines 3-6).

Regarding claim 6, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna and a monitor (column 6, lines 34-45) that displays the received information, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-50, column 9, lines 4-23), and a channel selection unit (column 7, lines 28-33), which utilizes frequency hopping to tune to an open channel at a specific time for the transfer of data. The computer 415 inherently contains a storage device for storing files that

were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori. Ghori does not disclose monitoring the communications channels for finding a free channel.

Hamalainen discloses in Figures 10 and 13, a system which monitors radio channels to find out which channels are free and which are reserved, this data is formatted into a bitmap and sent out to a number of mobile stations, the mobile stations then finds a free channel in order to transmit data, transmits a channel request and transmits the data (column 7, lines 1-21, 61- column 8, line 14, column 8, lines 34-61, column 9, lines 24-37). Therefore, it would have been obvious to one skilled in the art to modify the data transmission system of Ghori to utilize the free channel search and allocation system of Hamalainen thereby reducing congestion on a radio based network by utilizing all available channels.

Claims 3-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,282,714-B1 to Ghori in view of U.S. Patent 5,729,541 to Hamalainen in further view of U.S. Patent 5,732,074 to Spaur.

Regarding claim 3, Ghori discloses a wireless computer network that can be connected to the Internet (column 6, lines 7-14). The combined system of Ghori and Hamalainen does not disclose the exchange of HTML data between computers within the network. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16,

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column 3, lines 13-24), and utilizes HTML as a common file format. Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Ghori and Hamalainen to include the web server of Spaur to provide web pages to a remote vehicle via a wireless link so that the status of a vehicle at any time can be determined remotely and so that new instructions can be provided to a driver.

Regarding claim 4, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna and a monitor (column 6, lines 34-45) that displays the received information, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). The computer 415 inherently contains a storage device for storing files that were downloaded or were created locally as a storage device is required for the playback and exchange of data in the system as disclosed by Ghori. Ghori does not disclose the use of an identifier and mail-editing unit that sends a return message to a device based upon that identifier nor does Ghori disclose monitoring the communications channels for finding a free channel. Hamalainen discloses in Figures 10 and 13, a system which monitors radio channels to find out which channels are free and which are reserved, this data is formatted into a bitmap and sent out to a number of mobile stations, the mobile stations then finds a free channel in order to transmit data, transmits a channel request and transmits the data (column 7, lines 1-21, 61- column 8,

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line 14, column 8, lines 34-61, column 9, lines 24-37). Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), each vehicle has a unique IP address assigned to it which is used to identify it for the transfer of information (column 11, 27-39). The examiner takes official notice that the use of messaging programs for sending and receiving messages that are directed to a certain user's IP address are well known within the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ghori to include both the free channel monitoring and reservation system of Hamalainen as well as the IP Addressing system, as taught by Spaur, to the mobile computer so that each device would have a unique identifier in order to protect the privacy of users on a network by only sending a message to its intended recipient and maximizing the use of all available free channels.

Regarding claim 5, Ghori discloses a wireless computer network that makes use of encryption when sending messages between devices, data which is transmitted can only be decoded by a device which has access to the appropriate decode key (column 7, lines 20-50).

Regarding claim 7, Ghori discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). Ghori does not disclose the use of an email-editing unit for

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creating a return mail to a broadcast device. The examiner takes official notice that the use of a computer to create, edit and send emails is well known within the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Ghorl and Hamalainen to include an email program on the computers within the wireless network for emailing messages to the central server, so that the wireless users can inform the server operator of any problems they are having while utilizing the network.

Regarding claim 8, Ghorl discloses in Figure 6, a computer 415 (column 6, lines 34-44) with a Digital Transceiver 490 connected to an antenna, a server 605 with a Digital Transceiver 635 coupled to an antenna in server 605 and a file storage area, both transceivers are used for transmitting and receiving encrypted data between the two devices utilizing spread spectrum modulation and via Digital PCS (column 7, lines 7-32, column 9, lines 4-23). Ghorl does not disclose the use of an identifier and mail-editing unit that sends a return message to a device based upon that identifier. Spaur discloses a wireless network in Figure 2 that consists of a web server 102 with a TCP/IP stack 98 and a number of vehicles 50n (column 6, lines 1-16, column 3, lines 13-24), each vehicle has a unique IP address assigned to it which is used to identify it for the transfer of information (column 11, 27-39). The examiner takes official notice that the use of messaging programs for sending and receiving messages that are directed to a certain user's IP address are well known within the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Ghorl and Hamalainen to include the IP Addressing system as taught by Spaur to the



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mobile computer so that each device would have a unique identifier in order to protect the privacy of users on a network by only sending a message to its intended recipient.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Thursday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



ANDREW FAILE

SENIOR PATENT EXAMINER

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HBL

September 26, 2002